

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 11-18 as being allowable and the subject matter of claims 1-10 as being allowable if the indefiniteness is removed. In the present amendment, claim 1 has been amended to remove this indefiniteness thus, making claims 1-18 in condition for allowance.

Telephone Interview with Examiner

The Applicants note with appreciation the discussion with Examiner Patel on June 14, 2004. In that interview, the Examiner suggested adding "in a manner" to claim 1 to remove the indefiniteness. This has now been accomplished. Discussions were also held concerning claim 19, however no agreement as to allowability was reached. The discussion centered on the defining

of the front, back and four sides of the frame to make it clear that the terminal is mounted on a side and not on either the front or back as is shown in Houdek. This has also been accomplished in the present amendment.

Entry of Amendment

It is respectfully requested that the present amendment should be entered into the official file in view of the fact that the amendment places the application in condition for allowance. If the Examiner does not agree that the application is in condition for allowance, it is requested that the present amendment should be entered for the purpose of appeal. The present amendment removes the indefiniteness of claims 1-10 and thereby simplifies the issues on appeal. The changes to claim 19, while better defining the invention, do not add new issues. Accordingly, full consideration of this amendment is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner felt that line 5 of claim 1 was not clear. In accordance with the Examiner's suggestion per the telephone interview, this has now been corrected

by adding "in a manner" at the beginning of the line. Accordingly, this indefiniteness is believed to be overcome.

Claim Rejections under 35 U.S.C. § 102

Claim 19 stands rejected under 35 U.S.C. § 102 as being anticipated by Houdek (US Patent No. 6,406,257). This rejection is respectfully traversed.

The Examiner points out that the reference device includes a heat dissipating module 101 for being used in a system 100 and including a fan 202 having an outer frame and a terminal 210 electrically connected to the device. Applicants disagree that the present invention is anticipated by this reference.

In the Houdek device all of the electrical connections are made through the rear of the fan so that the fan connector 210 is coupled to panel connector 218 in the rear of the frame. Claim 19 now specifically describes the outer frame as having a front, back and four sides and the terminal is now described as being mounted on one of the sides. Accordingly, claim 19 now clearly defines that the terminal cannot be on the front or back but must be along one of the four sides. This is not shown in Houdek. Further, it is noted that claim 19 requires that the terminal not protrude out of the heat dissipating device. In Houdek, connector 210 extends beyond the back of the housing. Admittedly, the terminals do not

extend as far as the tabs 250 which are used to guide the fan into position when mounting in the enclosure 112. However, Applicants submit that the tabs are not part of the frame and that accordingly the terminals of Houdek do not meet the terms of claim 19.

Further, Applicants submit that claim 19 is not obvious over this reference since the type of terminals involved require that they be aligned in the direction of insertion of the fan, so that placing the terminals on the side would not allow the connection to be made by inserting the fan. Accordingly, changing the location of the terminals would not be obvious. In view of this, Applicants submit that claim 19 is patentable over the Houdek reference.

Conclusion

In view of the above remarks it is believed that the claims clearly distinguish over the patent relied upon by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 10/612,950
Reply to Office Action of May 18, 2004
Atty. Docket: 0941-0787P. 10/612,950

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Paul C. Birn
for Joe McKinney Muncy, #32,334
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000
#43,368

KM/RFG:trb
0941-0787P

Attachment(s)